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FILED

AUG 13 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12
13 **UNDER SEAL,**

14 Plaintiffs,

15 v.

16 **UNDER SEAL,**

17 Defendants.

C 10-01402 EDL

[PROPOSED] ORDER

[FILED UNDER SEAL]

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**UNITED STATES ex rel. CHRISTOPHER C.
MURPHY and DAVID SWANSON, et al.,**

Plaintiffs,

v.

ACTELION, LTD., et al.,

Defendants.

C 10-01402 EDL

PROPOSED ORDER

[FILED UNDER SEAL]

The States of California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Virginia, Wisconsin and the District of Columbia ("the above States") have notified the Court of their respective decisions not to intervene in this action pursuant to their respective State statutes. Accordingly, the Court rules as follows:

1 IT IS ORDERED that:

2 1. The parties shall serve all pleadings and motions filed in this action, including
3 supporting memoranda, upon the above States in accordance with the Certificate of Service
4 attached to the Plaintiff States' Notice of Election to Decline Intervention;

5 2. The above States may order any deposition transcripts;

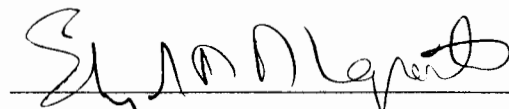
6 3. The above States are entitled to intervene in this action, for good cause, at any time;

7 4. All orders of this Court shall be sent to the above States;

8 5. In the event Relator proposes that this action, on behalf of any of the above States, be
9 dismissed, settled or otherwise discontinued, this Court directs and orders Relator to solicit and
10 submit to the Court the written consent of each of the above States before filing such proposal so
11 that the Court may consider said consent(s) before ruling on or granting its approval; and

12 6. In accordance with the terms of the Maryland state False Claims Act, Md. Code Ann.,
13 Health Gen, § 2-604 (a)(7), the State of Maryland having declined to intervene in this matter, all
14 claims asserted on behalf of Maryland are hereby dismissed without prejudice.

15 Entered this 13 day of Aug, 2013

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19 United States District Judge